

# CENTER FOR PUBLIC REPRESENTATION SAMPLE SUPPORTED DECISION-MAKING AGREEMENT

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## Instructions for Massachusetts Residents

### 1. What is “Supported Decision-Making”

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Supported Decision-Making (also called “SDM”) is a way you can make your own decisions with the help you need and want. To use SDM, you pick friends, family members, and other people you trust to be your “supporters.”

Supporters do not make decisions for you. They help you make or communicate your own decisions such as where or with whom you want to live; what services, supports, or medical care you want to get; where you want to work; how you want to save or spend your money; and more.

If you want them to, supporters may explain what choices you have in ways you understand, ask other people questions for you, help you gather information, or let others know what you decide. SDM is one alternative to guardianship. It does not take away your legal rights or give your supporters the right to overrule your own decisions. To learn more about getting started with SDM, visit <https://supporteddecisions.org/getting-started-with-supported-decision-making/>.

### 2. What is a “Supported Decision-Making Agreement”

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A Supported Decision-Making Agreement is the way to put an SDM relationship in writing. That way other people and organizations – such as doctors, hospitals, banks, schools, service providers, and governmental agencies – know who your supporters are, what decisions you want them to help you with, and how you want them to help you. Supported Decision-Making Agreements do not allow a formal supporter to make decisions for you or act in your place. YOU are the decision-maker.

As part of its Massachusetts projects, the Center for Public Representation developed a sample Supported Decision-Making Agreement form. We have worked with many people who have used SDM and have made this Agreement form work with their needs — but it is just an example. As of August 1, 2024 – unlike some other states – Massachusetts has not passed a law requiring a specific Supported Decision-Making Agreement form or rules to be used. If you live in a different State with a Supported Decision-Making law, we do not recommend that you use this sample form. You should instead talk with someone in your own state to make sure that your Supported Decision-Making Agreement will work where you live.

### **3. How do I fill out this Supported Decision-Making Agreement form?**

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Remember, this form is just one example. There are sections of the form that you can personalize. You might want to add more supporters, or you might want to state how your supporters should work together

Before filling out this version of a Supported Decision-Making Agreement, you will need the following:

- Your supporter(s)
- A blank copy of the form
- A notary public

#### **Top of the Form – Who are you?**

You — as the person with a disability who is being supported — should fill in your name, date of birth, address of where you live, telephone number, and email, if you have one. Your supporters can help you fill out the form, but it must be you who approves what they write in it, and you who signs the form.

#### **Section A - What decisions do you want help with?**

Put an X in the boxes for the type of decisions in your life you want supporters to help you make decisions about. If you do not want help with a certain type of decision, leave the box blank. For example, if you want help with decisions about your money, you would check the box that says “Taking care of my financial affairs, like banking.” You can also put an X in the last box and write more kinds of decisions you want help with on the last line, where it says “Other matters.”

#### **Section B - How do you want your supporters to help you?**

Supporters can help you in a many different ways, and you can tell them how you want to be helped. Put an X in the boxes of the type of help you want. For example, if you want your supporters to explain what things mean, you can put an X the box that says “Giving me information in a way I can understand.” You can also put an X in the last box and write more kinds of ways you want help on the last line.

#### **Section C - How do you communicate?**

On this form, you can let people know how you express yourself and show others what you want. Some people communicate with words, or gestures, or technology. Put an X in the boxes to show how you communicate. You can put an X in one or both of the last two boxes and write more kinds of ways you communicate on the last two lines.

## Section D - Who do you want to support you with decisions?

This form lets you list up to three people as your “Network Supporters,” and you can list more supporters on the back of it. For each:

- Write in the supporter’s full name, date of birth, address, telephone number, email, and relationship to you (for example: mother, father, sister, friend)
- Put an X in the boxes to show which decisions in life you want help with. For example, if you want your supporter to help you make decisions about money and doctors, you would put an X in the boxes for “Finances” and “Healthcare.” If you want help with types of decisions that are not listed on the form, you can put an X in the “Other” box and then write in what those other types of decisions are (for example, “School” if you want help with educational decisions).
- If there are areas of life with which you specifically do not want your supporter to help you make decisions, you can list them here too.

## Section E – If you have more than one supporter, how do you want them to work together?

If you want all your supporters to work together to help you, put an X in the box that says “Jointly.” If you instead want Supporter #2 to help you only if Supporter #2 is not available, put an X in the box that says “Successively.” If you do not check any box, your Supporters will work “Successively.”

## Section F – Your Signature

In front of a notary public, sign and date the form if you agree with everything that is in it. It is also important to understand that you can choose to end the agreement at any time by letting others know that you want to end it. You can also choose to add, replace, or remove a network supporter.

## Section G – Notary Certification

Once you have finished writing your SDM agreement, you can choose to have someone called a notary observe you when you sign it. A notary is someone with a special license from the state who is a witness for people who are signing important documents. The notary can watch you sign your SDM agreement and will check your identification. Then the notary will apply a stamp or seal to your SDM Agreement, which means the Agreement will be “notarized.” Having your Agreement notarized is a way of making your SDM Agreement more official.

## Section H – Network Supporters’ Statements

Each of your supporters should fill out, sign, and date this statement. This statement says that they understand that, as your supporters, their job is to honor and present your expressed wishes to other people. They should also list who they will contact in the event they cannot perform their job under the agreement.

### IMPORTANT NOTE – Release of Information Forms

Even after you fill out this agreement, you may still be required to fill out additional paperwork by your school or health care provider to comply with federal privacy laws.

- To give your supporters access to your health care information, you should complete a release form under the Health Insurance Portability and Accountability Act (HIPAA). You can fill out a [HIPAA release of information form from the Massachusetts Department of Public Health](#) (in English). However, many health care providers have their own forms that will want you to fill out as well.
- To give your supporter access to your educational information, you should complete a release form under the Family Educational Rights and Privacy Act (FERPA). If you are a student and want your school to share information with one of your supporters, ask your school district for their FERPA release form.

**DISCLAIMER** – These examples of a Supported Decision-Making Agreement form and instructions are for informational purposes only, and they do not constitute legal advice. Laws relating to Supported Decision-Making can be state specific. We recommend you speak to an attorney before completing any form to make sure that your form meets all legal requirements in your State.